

## **REMARKS**

### **The Amendments**

Claim 1 is amended to incorporate the substance of claims 25 and 26 therein. The dependent claims are amended accordingly.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### **The First Rejection under 35 U.S.C. §103**

The rejection of claims 1, 2, 4, 5, 7-11, 13, 19-25, 28-34, 36-38, 43 and 44 under 35 U.S.C. §103, as being obvious over Yeadon (US Pub. No. 0147544) in view of Meissner (U.S. Patent No. 6,706,726) in view of Hoffman (U.S. Patent No. 6,417,190), is respectfully traversed.

It is believed that the rejection is rendered moot by the above amendments. This rejection was not applied against claim 26 and the substance of claim 26 is now incorporated into claim 1, upon which all other claims ultimately depend. The Office action indicates that previous claim 26 was not rendered obvious by the combination of only Yeadon, Meissner and Hoffman and claim 1 is now essentially previous claim 26 written in independent form. Thus, it appears this rejection is overcome and should be withdrawn.

### **The Second Rejection under 35 U.S.C. §103**

The rejection of claims 26, 27 and 35 under 35 U.S.C. §103, as being obvious over Yeadon (US Pub. No. 0147544) in view of Meissner (U.S. Patent No. 6,706,726) in view of Hoffman (U.S. Patent No. 6,417,190), as above, and further in view of Dreschel (US Pub.

No. 2004/0019073) is respectfully traversed.

The Dreschel reference is only potentially available as prior art to the claimed invention under 35 U.S.C. §102(e). However, applicants hereby state that the subject matter of the Dreschel reference and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. As a result, in accordance with 35 U.S.C. §103(c), Dreschel cannot be applied as 35 U.S.C. §102(e) prior art for a rejection under 35 U.S.C. §103 against the claimed subject matter. It is evident from the statement of the rejection that the rejection requires reliance on Dreschel (see above also). Therefore, since Dreschel cannot be relied upon, the rejection under 35 U.S.C. §103 should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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